

003015.098149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Herald Berger, et al.

Serial No.: 10/021,373

Filed: October 22, 2001

For: DEVICE FOR MELTING DOWN METAL CONTAINING MATERIALS

PETITION UNDER 37 C.F.R. §1.181
(NON-FEE PETITION)Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

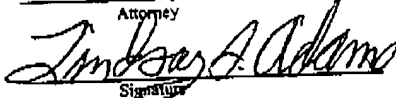
SIR:

Pursuant to §711.03(c)II of the Manual of Patent Examining Procedure,
Applicants hereby Petition the Commissioner to "Withdraw Holding of Abandonment based on
Failure to Receive Office Action."

I hereby certify that this correspondence is being transmitted
with the United States Postal Service by facsimile to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on April 28, 2004.

Lindsay S. Adams

Attorney



Signature

April 28, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional
fees which may be required, or credit any overpayment to
Account No. 50-1145.

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DATE: April 28, 2004

To:	Fax:	Phone:
Examiner Andrews USPTO	571-273-1239	

From:	Office Location:	Phone:
Lindsay S. Adams, Esq.	New York	212-297-5800 ext. 5814

Client/Matter Number: 003015.098149

Number of pages including transmittal sheets: 4

The original will not be sent.

Comments:

U.S. Serial No. 10/021,373, filed October 22, 2001

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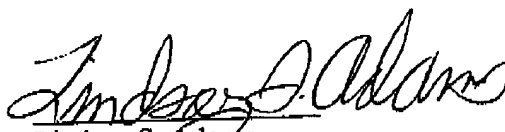
In support of this Petition, Applicants hereby submit the following:

- (1) the Office Action for the above-identified application was never received by our office;
- (2) a search of the file and the docket entries was conducted to locate the Office Action but no Office Action was found; and
- (3) an enclosed docket record for the above-identified case, where all correspondence to and from the U.S. Patent Office must be noted, clearly shows that the Office Action was never received.

In view of the above, Applicants request the grant of this Petition and that the time period for responding to the Office Action be restarted.

Applicants do not believe that any fee is due with this petition. However, if any fee is due, please charge such sums to our Deposit Account 50-1145.

Respectfully submitted,


Lindsay S. Adams
Reg. No. 36,425

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Country Application

Tuesday, April 27, 2004

Page: 1

Case Number: 003015-001

Country: US

SubCase: 0

Client: KOPECKY & SCHWARZ

United States of America

Case Type: PCT

Application Status: Published

Invention Title: METHOD AND DEVICE FOR MELTING DOWN METAL-CONTAINING MATERIALS

Application Number: 10/021,373

Filing Date: 22-Oct-2001

Publication Number: 02-0008379

Publication Date: 04-Jul-2002

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Issue Date:

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Patent Term Adjustment: 0

Agent:

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PHKS #: 40000-PCT-USA

Matter: 098149

Family Reference:

Remarks: 4/22/04 - Rec'd orig. ret. Post Card (See 4/14/04)
4/14/04 - Rec'd copy ret. Post Card change of correspondence filed on this date.
7/15/02 - Assigned to: Voest-Alpine Industrieanlagenbau GmbH; Recorded:
2/12/02; R/F: 012882/0574.
7/5/02 - Notice of Publication mailed from PTO.
4/15/02 - Notice of Non-Recordation mailed from PTO.
3/22/02 - Updated Filing Receipt mailed from PTO.
2/12/02 - Filing Receipt mailed from PTO. Group Art Unit: 1742.
12/20/01 - Assignment sent to PTO for filing per MED.
10/22/01 - Application sent to PTO for filing per MED.
Application is a National Filing of PCT/AT00/00101.
Client Ref. No. VA 5187/Kop/cm

Priority Number: A718/99

Priority Date: 4/22/1999